

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

GRANT HOUWMAN,)	Civil No. 10-4125
)	
Plaintiff,)	DEFENDANT'S OPPOSITION TO
)	PLAINTIFF'S MOTION TO
vs.)	COMMENCE DISCOVERY AND
)	PRESENT PUNITIVE DAMAGES
JON GAISER,)	CLAIM AT TRIAL
)	
Defendant.)	

Defendant, Jon Gaiser, by and through his attorneys of record, respectfully submits this Opposition to Plaintiff's Motion to Commence Discovery and Present Punitive Damages Claim at Trial.

By Motion dated April 29, 2011, Plaintiff moved the Court for an order allowing discovery on punitive damages and allowing him to present a claim for punitive damages at trial. By Motion dated May 16, 2011, Defendant moved for summary judgment on all of Plaintiff's claims, including his claim for punitive damages. To avoid needless repetition, Defendant hereby incorporates the argument regarding punitive damages as set forth in his Brief in Support of Motion for Summary Judgment. For the reasons set forth in Defendant's Brief in Support of Motion for Summary Judgment, Plaintiff should not be allowed discovery on punitive damages, nor should he be allowed to present such a claim to the jury.

Dated this this 19th day of May, 2011.

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.

/s/ Richard D. Casey

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